

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-20483 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 5, 2015

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 126.0502; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0422, 131.0445, 131.0449, 131.0460, AND 131.0461; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 142.0402 AND 142.0404; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 142.0525; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 143.0302 AND BY ADDING NEW SECTION 143.0365; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103, ALL RELATING TO SMALL LOT SUBDIVISIONS.

§126.0502 When a Site Development Permit is Required

- (a) [No change in text.]
- (b) A Site Development Permit decided in accordance with Process Three is required for residential *development* that involves any of the following:
 - (1) through (5) [No change in text.]
 - (6) Development of a small lot subdivision in accordance with Section 143.0365.
- (c) through (g) [No change in text.]

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B

[No change in text.]

Table 131-04B
Use Regulations Table of for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1st & 2nd >>	RE-	RS-												RX-	RT-									
	3rd >>	1-	1-												1-	1-									
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	
Open Space through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]																							

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Residential, Rooming House [No change in text.]		[No change in text.]											
Single Dwelling Units		P ⁽¹³⁾			P ⁽¹³⁾			P ⁽¹³⁾			P		-
Separately Regulated Residential Uses through Signs , Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]											

Footnotes for Table 131-04B

⁽¹⁾ through ⁽¹²⁾ [No change in text.]

⁽¹³⁾ Development of a small lot subdivision is permitted in accordance with Section 143.0365.

§131.0445 Lot Coverage in Residential Zones

- (a) In all RE zones, ~~and the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-4, RS-1-5, RS-1-6, and RS-1-7 zones, and in small *lot subdivisions* in accordance with Section 143.0365,~~ the maximum permitted *lot coverage* is 50 percent on any *premises* where more than 50 percent of the *premises* contains *steep hillsides*.

(b) through (d) [No change in text.]

§131.0449 Garage Regulations in Residential Zones

- (a) Garages within an existing embankment in the RE, RS, and RX Zones, and in small *lot subdivisions* in accordance with Section 143.0365.

Attached or detached garages, not exceeding 12 feet in height, including parapets and handrails, may encroach into the front and ~~street-side yards~~ *street side yards*, as shown in Diagram 131-04N, subject to the following conditions:

(1) through (8) [No change in text.]

(b) [No change in text.]

§131.0460 Maximum Third Story Dimensions in the RS Zones and in Small Lot Subdivisions

In the RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, and RS-1-7 zones, and in small *lot subdivisions* in accordance with Section 143.0365, the following shall apply:

(a) and (b) [No change in text.]

§131.0461 Architectural Projections and Encroachments in Residential Zones

- (a) The following are permitted *architectural projections* and *encroachments* into required *yards* and the angled *building envelope* plane for RS and RX

zones, ~~and~~ the RM-1-1, RM-1-2, and RM-1-3 zones, and in small *lot subdivisions* in accordance with Section 143.0365. These projections and *encroachments* are not permitted in the required ~~yards~~ *yards* within view corridors that are designated by *land use plans* in the Coastal Overlay Zone and may not be located in a required *visibility area* or a required turning radius or vehicle back-up area except where ~~development~~ *development* regulations may allow.

(1) through (12) [No change in text.]

(b) through (c) [No change in text.]

§142.0402 When Landscape Regulations Apply

(a) [No change in text.]

(b) Table 142-04A provides the applicable regulations and type of permit required by this division for the landscaping required in conjunction with the specific types of *development* proposals. Any project that proposes more than one of the types of *development* shown is subject to all of the regulations for each type of *development*.

Table 142-04A
Landscape Regulations Applicability

Type of Development Proposal			Applicable Regulations	Required Permit Type/ Decision Process
Column A	Column B	Column C⁽¹⁾		
1. New <i>structures</i> that equal or exceed the <i>gross floor area</i> shown (Column B), and are proposing the type of <i>development</i> shown (Column C) through 2. Additions to <i>structures</i> or additional <i>structures</i> on developed properties that exceed the <i>gross floor area</i> shown or that increase the <i>gross floor area</i> by the percent shown (Column B), and are proposing the type of <i>development</i> shown (Column C) [No change in text.]			[No change in text.]	
3. New permanent parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a single lot in <i>single dwelling unit</i> zones <u>and small lot subdivisions in accordance with Section 143.0365</u>			[No change in text.]	
4. New temporary parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a single lot in <i>single dwelling unit</i> zones through 14. Commercial <i>development</i> with at least 1,000 square feet of landscape area [No change in text.]			[No change in text.]	

§142.0404 Street Yard and Remaining Yard Planting Area and Point Requirements

When new *structures* or additions to *structures* are subject to this section in accordance with Table 142-04A, the planting area required and the plants necessary to achieve the number of plant points required in Table 142-04C shall be provided. The required planting area is determined by multiplying the total square footage of the *street yard* or *remaining yard* area on the *premises*, by the percentage shown in Table 142-04C, unless stated otherwise in the table. The required planting points are determined by multiplying the total square footage of

the *street yard* or *remaining yard* area on the *premises*, by the points shown in the table. The required planting area and plant points for the *street yard* shall be located within the *street yard*. The required planting area and plant points for the *remaining yard* shall be located within the *remaining yard*.

Table 142-04C
~~Street Yard and Remaining Yard Planting Requirements~~
Street Yard and Remaining Yard Planting Requirements

Type of <i>Development Proposal</i> ⁽⁶⁾	Type of Yard <u>Yard</u>	Planting Area Required (Percentage of total <i>yard</i> area unless otherwise noted below) ⁽¹⁾	Plant Points Required ⁽¹⁾
<i>Multiple Dwelling Unit Residential Development through Condominium Conversion</i> [No change in text.]	[No change in text.]		
<u>Small Lot Subdivision</u>	<u>Street Yard</u>	<u>50%⁽⁵⁾</u>	<u>0.5 points per square foot of total street yard area</u>
	<u>Remaining Yard</u>	<u>N/A</u>	
Commercial <i>Development</i> , or Industrial <i>Development</i> in Commercial Zones through <i>Large retail establishments</i> in any Industrial Zone. [No change in text.]	[No change in text.]		

Footnotes to Table 142-04C **Footnotes to Table 142-04C** [No change in text.]

§142.0525 Multiple Dwelling Unit Residential Uses – Required Parking Ratios

- (a) Minimum Required Parking Spaces. The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development of multiple dwelling units*, whether attached or detached, and related and *accessory uses* are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area parking for some projects, are provided in Section 142.0525(b) through (d).

Table 142-05C
Minimum Required Parking Spaces for
Multiple Dwelling Units and Related Accessory Uses

Multiple Dwelling Unit- <u>Multiple Dwelling Unit</u> Type and Related and Accessory Uses <u>Accessory Uses</u>	Automobile Spaces Required Per Dwelling Unit <u>Dwelling Unit</u> (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle ⁽⁵⁾ Spaces Required Per Dwelling Unit
	Basic ⁽¹⁾	<i>Transit Area</i> ⁽²⁾	Parking Impact ⁽⁴⁾		
Studio up to 400 square feet through Residential care facility (6 or fewer persons) [No change in text.]	[No change in text.]				
<u>Small lot subdivision in accordance with Section 143.0365</u>					
<u>Studio up to 400 square feet</u>	<u>1.25</u>	<u>1.0</u>	<u>1.5</u>	<u>N/A</u>	<u>N/A</u>
<u>1 bedroom or studio over 400 square feet</u>	<u>1.5</u>	<u>1.25</u>	<u>1.75</u>	<u>N/A</u>	<u>N/A</u>
<u>2+ bedrooms</u>	<u>2.0</u>	<u>1.75</u>	<u>2.25</u>	<u>N/A</u>	<u>N/A</u>
Transitional Housing (6 or fewer persons) through <i>Accessory uses</i> (Spaces per square feet ⁽⁷⁾) [No change in text.]	[No change in text.]				

Footnotes for Table 142-05C [No change in text.]

(b) through (d) [No change in text.]

**§143.0302 When Supplemental Neighborhood Development Permit and Site
Development Permit Regulations Apply**

This division applies to any development proposal for which a Neighborhood
Development Permit or Site Development Permit is required as described in
Sections 126.0402 and 126.0502, in accordance with Table 143-03A.

Legend for Table 143-03A

<u>NDP</u>	<u>Neighborhood Development Permit</u>
<u>SDP</u>	<u>Site Development Permit</u>

Table 143-03A
Supplemental Neighborhood Development Permit or Site Development Permit
Regulations Applicability

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
Affordable/In-Fill Housing and Sustainable Building Projects with Deviations through Mission Trails Design District [No change in text.]	[No change in text.]	
<u><i>Development of a small lot subdivision in accordance with Section 143.0365</i></u>	<u>143.0303, 143.0305, 143.0310, 143.0365, 143.0375</u>	<u>SDP/Process Three</u>
<i>Development Within the Urban Village Overlay Zone through Clairemont Mesa Height Limit Overlay Zone</i> [No change in text.]	[No change in text.]	

Legend to Table 143-03A	
NDP	NDP means Neighborhood Development Permit
SDP	SDP means Site Development Permit

§143.0365 Supplemental Site Development Permit Regulations for Small Lot Subdivisions

The purpose of these regulations is to provide supplemental regulations for development of single dwelling units in a small lot subdivision.

A small lot subdivision is the subdivision of multi-family zoned land, consistent with the density of the zone, for the construction of single dwelling units.

The intent is to encourage development of single dwelling units on small lots in order to provide a space-efficient and economical alternative to traditional single dwelling unit development. It is also the intent of these regulations to provide

pedestrian-friendly *developments* that are consistent with the neighborhood character.

The following supplemental regulations apply to a Site Development Permit for a small *lot subdivision*.

- (a) A small *lot subdivision development* is permitted in the RM-1-1 through RM-3-8 (Residential Multiple Unit) Zones, and zones with comparable *density* in the Planned Districts regulated in Chapter 15.
- (b) A *dwelling unit* may have a maximum of three bedrooms.
- (c) A small *lot subdivision development* shall comply with the regulations in Table 143-03C and the supplemental regulations in this section.

Table 143-03C
Development Regulations for Small Lot Subdivisions

<u>Max permitted <i>density</i> pre-subdivided <i>lot</i> dwelling units (DU) per <i>lot</i></u>	
<u>Pre-subdivided <i>lot</i></u>	<u>per the base zone</u>
<u>Subdivided <i>lot</i></u>	<u>1</u>
<u>Min <i>lot</i> area square feet (sf)</u>	<u>maximum permitted <i>density</i> of the base zone</u>
<u>Min <i>lot</i> dimensions</u>	
<u>Pre-subdivided <i>lot</i></u>	
<u><i>Lot</i> width (ft)</u>	<u>25</u>
<u><i>Lot</i> depth (ft)</u>	<u>50</u>
<u><i>Street Frontage</i> (ft) [See Section 131.0442(a)]</u>	<u>25</u>
<u>Subdivided <i>lot</i></u>	
<u><i>Lot</i> width (ft)</u>	<u>--</u>
<u><i>Lot</i> depth (ft)</u>	<u>--</u>
<u><i>Street Frontage</i> (ft) [See Section 131.0442(a)]</u>	<u>--</u>
<u>Setback requirements</u>	<u>per the base zone⁽¹⁾</u>
<u>Maximum <i>lot</i> coverage</u>	<u>--</u>
<u>Setback requirements for resubdivided corner <i>lots</i></u> [See Section 113.0246(f)]	<u>applies</u>
<u>Max <i>structure</i> height (ft)</u>	
<u>RM-1-1, RM-1-2, and RM-1-3</u>	<u>36⁽²⁾</u>
<u>RM-2-4, RM-2-5, and RM-2-6</u>	<u>40⁽³⁾</u>
<u>RM-3-7 and RM-3-8</u>	<u>40</u>
<u>Lot coverage for sloping <i>lots</i></u> [See Section 131.0445(a)]	<u>applies</u>

Table 143-03C
Development Regulations for Small Lot Subdivisions

<u>Max floor area ratio</u>	<u>per the base zone⁽⁴⁾</u>
<u>Accessory uses and structures</u> [See Section 131.0448(a),(b)]	<u>applies</u>
<u>Garage regulations</u> [See Section 131.0449(a)]	<u>applies</u>
<u>Building spacing</u> [See Section 131.0450]	<u>--</u>
<u>Max third story dimensions</u> [See Section 131.0460]	<u>--</u>
<u>Architectural projections and encroachments</u> [See Section 131.0461(a)]	<u>applies</u>
<u>Supplemental requirements</u>	
<u>RM-1-1, RM-1-2, and RM-1-3</u> [See Section 131.0464(d)]	<u>applies</u>
<u>RM-2-4, RM-2-5, and RM-2-6</u> [See Section 131.0464(e)]	<u>applies</u>
<u>RM-3-7 and RM-3-8</u> [See Section 131.0464(e)]	<u>applies</u>
<u>Refuse and Recyclable Material Storage</u> [See Section 142.0805]	<u>applies</u>

Footnotes for Table 143-03C

- ¹ Only the setbacks that apply to the pre-subdivided lot apply, except that if the pre-subdivided small lot subdivision development covers more than one lot, the setback shall not be required for internal lot lines of the pre-subdivided lot.
- ² Section 131.0444(e) only applies to the building envelope at the front and side setback lines of the pre-subdivided lot. When adjacent to a RS (Residential- -Single Unit Zone), the maximum height is 30 feet.
- ³ Section 131.0444(f) only applies to the building envelope at the front and side setback lines of the pre-subdivided lot.
- ⁴ Per the base zone, except that reservation of floor area ratio for parking shall not be required.

(d) Required exterior open space.

- (1) Each dwelling unit shall provide a minimum of 200 square feet of exterior open space within the small lot subdivision.**
- (2) Each dwelling unit shall provide a minimum of one private exterior useable open space area measuring 60 square feet, with a minimum dimension of no less than 6 feet.**
- (3) The area of a driveway shall not be counted toward required exterior open space.**

(e) Dwelling units that abut the front yard of the pre-subdivided lot shall locate the primary pedestrian entrance facing that front yard.

(f) A Mutual Maintenance and Access Agreement for all facilities used in common shall be entered into to the satisfaction of the City Manager and shall be recorded against the applicable property or properties in the office of the San Diego County Recorder prior to issuance of a certificate of occupancy. The Mutual Maintenance and Access Agreement shall, at a minimum, include and provide for the following:

(1) Easements for:

(A) Shared driveway(s)

(B) Utilities

(C) Drainage and runoff

(D) Encroachments

(E) Maintenance, repair, and reconstruction

(2) Maintenance for:

(A) Shared driveway(s)

(B) Sewer lines

(C) Cable and electrical lines

(D) Exterior lighting

(E) Perimeter fences

(g) When an *alley* abuts the *premises*, access to required *off-street parking spaces* shall only be from the *alley*.

(h) Parking requirements and parking site design shall comply with the following regulations and Chapter 14, Article 2, Division 5 (Parking Regulations) for *single dwelling units*. Where there is a conflict with

Chapter 14, Article 2, Division 5, the requirements of this section shall apply.

- (1) The number of *off-street parking spaces* shall be consistent with the ratios for small *lot subdivision* in Table 142-05C.
- (2) Required parking shall be provided on each lot, or within a common parking area, or in a combination of the two.
- (3) Tandem parking is permitted, provided that the tandem spaces are assigned to the same *dwelling unit*.
- (4) A maximum of one driveway curb cut shall be permitted for each 50 feet of pre-subdivided *street frontage*.
- (5) Driveway width shall be determined based on the size of the *lot*, the number of parking spaces and location inside or outside of the Parking Impact Overlay Zone. The applicable minimum and maximum driveway widths are shown in Table 143-03D.
- (6) Required *off-street parking spaces* may be provided within a garage, a carport, or an unenclosed parking space.

Table 143-03D
Driveway Width for Small Lot Subdivisions

<u>Pre-subdivided lots greater than 50 feet in width</u>		
<u>Off-street Parking Spaces in Small Lot Subdivision</u>	<u>Required Width</u>	
	<u>One-Way</u>	<u>Two-Way</u>
<u>10 or fewer</u>	<u>12 feet</u>	
<u>More than 10</u>	<u>14 feet</u>	<u>20 feet</u>
<u>Pre-subdivided lots 50 feet or less in width</u>		
<u>Off-street Parking Spaces in Small Lot Subdivision</u>	<u>Required Width</u>	
	<u>One-Way</u>	<u>Two-Way</u>
<u>10 or fewer</u>	<u>12 feet</u>	
<u>More than 10</u>	<u>14 feet</u>	<u>20 feet</u>

- (i) The planting requirements shall be in accordance with the requirements for small lot subdivisions shown in Table 142-04C.
- (j) An existing development that proposes to be subdivided into a small lot subdivision that deviates from the supplemental regulations set forth in this section or the parking ratios shown in Table 142-05C may be permitted only with a Site Development Permit decided in accordance with Process Three subject to the following regulations:
- (1) the development must be consistent with permitted density; and
 - (2) the development must comply with the requirement for a Mutual Maintenance and Access Agreement in Section 143.0365(f).

§151.0103 Applicable Regulations

- (a) [No change in text.]

(b) The following regulations apply in all planned districts:

(1) through (8) [No change in text.]

(9) Supplemental Site Development Permit Regulations for Small Lot
Subdivisions contained in Land Development Code Section
143.0365.

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